

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

SIMON OFFORD,  
  
Defendant.

NO. CR24-104 JHC

STIPULATED PROTECTIVE ORDER

This matter, having come to the Court's attention on the parties' stipulated motion for entry of a discovery protective order, Dkt. # 21, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** For purposes of this Order, "Protected Materials" shall include sensitive materials that disclose personal identifying information ("PII")<sup>1</sup>

<sup>1</sup> "PII" includes, but is not necessarily limited to, the information identified in Fed. R. Crim. P. 49.1(a) and includes full names, dates of birth, Social Security numbers (or other identification information), financial account information (including account numbers), tax information, driver's license numbers, addresses, telephone numbers,

1 obtained during the investigation, including but not limited to personal information about  
2 witnesses, victims, and third parties, and other sensitive information obtained during the  
3 investigation (collectively, the “Protected Material”). Any produced Grand Jury  
4 transcripts will be considered Protected Material. All information and material deemed  
5 and believed by the government to be Protected Material will be so designated by the  
6 government. Said material may include, but is not limited to, *Giglio* impeachment  
7 materials.

8       **2. Production of Protected Material to the Defense.** The United States will  
9 make available copies of the Protected Materials, including those filed under seal, to  
10 defense counsel to comply with the government’s discovery obligations. Possession of  
11 copies of the Protected Materials is limited to attorneys of record and investigators,  
12 paralegals, law clerks, experts, social workers and assistants for the attorneys of record  
13 (hereinafter collectively referred to as “members of the defense team”). Further, the  
14 attorneys of record are required, prior to disseminating any copies of the Protected  
15 Materials to members of the defense team, to notify members of the defense team of this  
16 Protective Order and obtain their agreement to be bound by the terms and conditions of  
17 this Protective Order.

18       **3. Review of Protected Material by a Defendant.** The attorneys of record  
19 and members of the Defendant’s defense team may share and review the Protected  
20 Material with the Defendant. While the Defendant resides at the Federal Detention  
21 Center (FDC), the defense team may send him Protected Material and he will be  
22 permitted to review the Protected Material, consistent with the regulations established by  
23 the BOP for such material, with or without his counsel in a controlled environment at the  
24 FDC, but will be prohibited from printing out, copying, or disseminating the material.

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27 locations of residences or employment, medical records, school records, juvenile criminal records, and other  
28 confidential information. The government has endeavored to redact PII as appropriate, but the parties acknowledge  
and agree that this will not always be possible, and that in some instances un-redacted PII may be necessary to the  
defense.

1           **4. Limits on Dissemination of Protected Materials.** The attorneys of record  
2 and members of the defense team acknowledge that providing copies of the Protected  
3 Material to the Defendant and other persons is prohibited and agree not to duplicate or  
4 provide copies of the Protected Material to Defendant and other persons. This order does  
5 not limit employees of the United States Attorney's Office for the Western District of  
6 Washington from disclosing the Protected Material to members of the United States  
7 Attorney's Office, federal law enforcement agencies, and the Court. Nor does this order  
8 limit employees of the United States Attorney's Office for the Western District of  
9 Washington from disclosing the Protected Material to defense counsel as necessary to  
10 comply with the government's discovery obligations.

11           **5. Future Production of Additional Protected Materials.** Additional types  
12 of discovery items may be deemed by the parties to constitute Protected Material upon  
13 agreement, or (if no agreement can be reached) by further order of the Court.

14           **6. No Waiver.** Nothing in this order should be construed as imposing any  
15 substantive discovery obligations on the government that are different from those  
16 imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure. The  
17 failure to designate any materials as provided in paragraph 2 shall not constitute a waiver  
18 of a party's assertion that the materials are covered by this Protective Order.

19           **7. Use of Protected Material in Court.** Any Protected Material that is filed  
20 with the Court in connection with pre-trial motions, trial, or other matter before this  
21 Court, shall be filed under seal and shall remain sealed until otherwise ordered by this  
22 Court. This does not entitle either party to seal their filings as a matter of course. The  
23 parties are required to comply in all respects with the relevant local and federal rules of  
24 criminal procedure pertaining to the sealing of court documents.

25           **8. Non-Termination.** The provisions of this Order shall not terminate at the  
26 conclusion of this prosecution. Upon conclusion of representation of the defendant,  
27 defense counsel shall return the Protected Material, including all copies of the Protected  
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1 Material, to the office of the United States Attorney; certify that the material has been  
2 destroyed; or otherwise securely store the Protected Material in perpetuity.

3 9. **Violation of Order.** Any person who willfully violates this order may be  
4 held in contempt of court and may be subject to monetary or other sanctions as deemed  
5 appropriate by this Court.

6 10. **Modification of Order.** Nothing in this Protective Order shall prevent any  
7 party from seeking modification of this Order or from objecting to discovery that it  
8 believes to be otherwise improper. The parties agree that in the event that compliance  
9 with this Order makes it difficult for defense counsel to adhere to their Sixth Amendment  
10 obligations, or otherwise imposes an unworkable burden on counsel, defense counsel  
11 shall bring any concerns about the terms of the Order to the attention of the government.  
12 The parties shall then meet and confer with the intention of finding a mutually acceptable  
13 solution. In the event that the parties cannot reach such a solution, defense counsel shall  
14 have the right to bring any concerns about the scope or terms of the Order to the attention  
15 of the Court by way of a motion.

16 11. **Agreement to Provide Copies of Protected Material to Defendant.** Upon  
17 agreement of counsel for the government, members of the defense team may provide  
18 copies of specific Protected Material, or redacted versions of such material, directly to the  
19 Defendant. When seeking the government's agreement to give such a copy to the  
20 Defendant, members of the defense team will identify with reasonable particularity,  
21 including (where available) the specific bates numbered pages and or recording  
22 descriptions, the specific material defense counsel proposes to give to the Defendant.  
23 Unless expressly stated otherwise by the government, copies of Protected Material to be  
24 provided to the Defendant will continue to be Protected Material subject to all of the  
25 protections of the Court's Order, with the sole exception that a copy can be given only to  
26 the Defendant (and not shared with anyone else outside the defense team). If counsel for  
27 the government and counsel for the Defendant cannot reach agreement on whether  
28 particular portions of the Protected Material or redacted versions of Protected

1 Material should be given to the Defendant under these conditions, defense counsel may  
2 raise the issue with the Court by way of a motion.

3 12. **No Ruling on Discoverability or Admissibility.** This Protective Order  
4 does not constitute a ruling on the question of whether any particular material is properly  
5 discoverable or admissible and does not constitute any ruling on any potential objection  
6 to the discoverability of any material.

7 13. **No Ruling on Timing of Production.** This Protective Order does not  
8 require the government to provide particular discovery at a time or in a fashion  
9 inconsistent with applicable law.

10 The Clerk of the Court is directed to provide a filed copy of this Protective Order  
11 to all counsel of record.

12  
13 DATED this 21st day of November, 2024.

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15 A handwritten signature in black ink, reading "John H. Chun", is written over a horizontal line.

16 JOHN H. CHUN  
17 UNITED STATES DISTRICT JUDGE  
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